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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91196249
Party	Defendant NANO-X GmbH
Correspondence Address	AIMEE L. KAPLAN & STEWART J. BELLUS COLLARD & ROE PC 1077 NORTHERN BLVD ROSLYN, NY 11576 UNITED STATES
Submission	Answer
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

		-X
NANO-TEX, INC.,	)	
	)	
	)	
Opposer,	)	Opposition No: 91196249
	)	
v.	)	Application S.N. 79/019,869
	)	(Classes 1 and 42 only)
NANO-X GMBH,	)	
	)	
Applicant.	)	
	)	
		-X

**ANSWER TO NOTICE OF OPPOSITION**

In reply to the Notice of Opposition filed by Opposer NANO-TEX, INC., Applicant NANO-X GMBH states the following:

1. Applicant admits the allegations contained in paragraph 1 of the Notice of Opposition.
2. Applicant is without sufficient knowledge as to the truth of allegations contained in paragraph 2 of the Notice of Opposition, and hereby denies same.
3. Applicant is without sufficient knowledge as to the truth of allegations contained in paragraph 3 of the Notice of Opposition, and hereby denies same.
4. Applicant is without sufficient knowledge as to the truth of allegations contained in paragraph 4 of the Notice of Opposition, and hereby denies same.
5. Applicant is without sufficient knowledge as to the truth of allegations contained in paragraph 5 of the Notice of Opposition, and hereby denies same.

6. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.
7. Applicant denies the allegations contained in paragraph 7 of the Notice of Opposition.
8. Applicant denies the allegations contained in paragraph 8 of the Notice of Opposition.

#### **AFFIRMATIVE DEFENSES**

Applicant also makes the following affirmative defenses in response to Opposer's Notice of Opposition:

12. Pursuant to Section 311.02(b) of the TTAB Manual of Procedure (TBMP) and 37 C.F.R §2.133, Applicant is at least entitled to a registration with a restriction to its identification of goods, and respectfully requests that the Board amend Applicant's identification of goods in Classes 1 and 42 by limiting the identification of goods to:

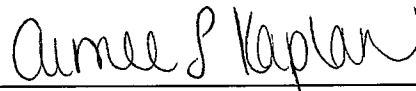
Class 1: Industrial chemicals for use in the manufacture of surface coatings; unprocessed artificial resins; excluding goods for use in the textile industry.

Class 42: Scientific and technological services and research and design relating thereto; industrial analysis and research services; all the aforesaid services exclusively for the fields of chemical product manufacture and use as well as the field of surface coating development and manufacture; excluding services for use in the textile industry.

The remaining identification of goods in Classes 2 and 4 is unchanged.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed, and that Application No. 79/019,869 issue to registration.

NANO-X GMBH,



Stewart J. Bellus

Aimee L. Kaplan

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Attorneys for Applicant NANO-X GmbH

Date: 10-6-2010

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES has this 6<sup>th</sup> day of October 2010, been sent by prepaid First Class Mail to the following attorney for Opposer:

Julia C. Archer  
ENNS & ARCHER LLP  
939 Burke Street  
Winston-Salem, NC 27101

A handwritten signature in cursive script, reading "Aimee L. Kaplan". The signature is written in dark ink and is positioned above a horizontal line.

Aimee L. Kaplan